
CALL TO ORDER & ATTENDANCE

Chair, Pete Woll, called the February 27, 2023, Business meeting to order at 7:00 P.M. in the conference room.

Board members present: Pete Woll, Chair; John Ellis; Vice Chair; Donna Pridmore, Secretary/Treasurer; Scott Rumsey, Supervisor; Roger Marsonette, Supervisor; Gordon Ash, Supervisor; Angela Jacobs, Supervisor; being a quorum of the Board.

Board members absent: None.

Also, in attendance were Samantha Tappenbeck, Jessie Walthers, Ginger Kauffman, FCD Staff; Thomas Myers; Bill Meyers; Camisha Sawtelle, DNRC Attorney; Sean Johnson, NRCS; Leo Rosenthal, FWP.

CONSENT AGENDA

Consent Agenda Item 1: Signature Authority

- Authorization for Samantha Tappenbeck to sign on behalf of Supervisors attending the meeting virtually.

Consent Agenda Item 2: Minutes

- 1/23/2023 Business Meeting

Consent Agenda Item 3: Financial

Check Detail 12/21/2022:

1. Charter Communications \$162.95
2. Flathead Audubon Society \$1,102.20
3. Lake County CD \$250.00
4. MACD-EO \$90.00
5. Sandra Babich \$3,081.44
6. Steitzhof Merinos \$2,061.00

Check Detail 2/15/2023:

1. Fisher's Technology \$287.00
2. Grizzly Security ShredEx \$76.00
3. Houseworth Consulting \$114.40
4. Susan D. Hulslander, CPA \$3,231.00
5. Tetra Tech \$4,850.00
6. Whitefish Lake Institute \$1,200.00

Check Detail 2/21/2023:

1. Charter Communications \$162.95

Check Detail 2/22/2023:

1. VISA – Donna Pridmore \$648.22
2. VISA – Pete Woll \$125.00
3. VISA – Samantha Tappenbeck \$696.20

Consent Agenda Item 4: Correspondence

John Ellis motioned “to approve the consent agenda as listed.” Donna Pridmore seconded. Motion carried unanimously.

PUBLIC COMMENT

No one was present to comment on items not listed on the agenda.

NEW BUSINESS

November & December 2022 End of Month Reports: Donna Pridmore motioned “to approve the End of Month Reports for November and December 2022.” Scott Rumsey seconded. Motion carried unanimously.

Public Request for Agenda Item: Bill Meyers and his brother, Thomas Meyers, requested Scott Rumsey recuse himself from potential permits for their property. Bill referenced a retaining wall project in 2007, noted that then they were laying the foundation for a bigger marina, and felt Scott showed bias and prejudice at that time. Bill requested a pre-application meeting for a project.

Donna Pridmore asked if he has submitted an application for his project. Bill replied no but they (he and his brother) have engineered drawings with several designs, have had offers on their property, and wanted input from the board on if there is a preference of how they might approach configuring the docks. Bill stated he will not submit designs prior to the meeting because it is private information that a sale may be contingent on. He added he would submit plans when they are ready to do the application. He added that he wants to get a sense of what people think would be a good idea as they are looking at possibly donating a particular portion of property to the State of Montana to become a public dock.

Thomas Myers felt it was unfair to not be given a permit in 2007. He thought it was not a coincidence that when Mr. Rumsey left things changed, and they were able to build the wall, and that Scott should recuse himself.

Scott Rumsey stated his employment at that time was a Fish Wildlife and Parks fisheries biologist, and a team member (as Kenny Breidinger and Leo Rosenthal are currently). Scott stated decisions that were made prior were as they would be made now. Boards are made of individuals that have different perspectives. I did not solely determine to deny your project in the past, and I wouldn't do that in the future, and don't have that authority. It is a parliamentary

procedure done through a vote. Scott stated that he doesn't understand all the issues they have with him; they are welcome to their opinion, but Scott disagrees with it and is not willing to back off from the board when it comes to their project. Scott further stated that he is an elected individual and that he has the purview to review projects like anybody else, and that he is not the sole decision maker on this board. I disagree with some of your claims and am not even going to debate it with you. John Ellis stated Scott was not even a decision maker/Supervisor on that application. Scott added I was a team member but did not have a vote. John noted that there have been occasions where the Fish Wildlife and Parks representative has wanted to deny a 310 application, but the district does not have to have their approval, and FWP can appeal the decision. Scott added there is an arbitration procedure.

John Ellis and Roger Marsonette each stated that they had not heard any evidence of Mr. Rumsey acting improperly or beyond the scope of his role as a Fish Wildlife & Parks representative, and that if they are requesting blanket recusal that they need to present evidence of improper conduct.

Samantha Tappenbeck reviewed the minutes from the March and April 2007 meetings when the project was addressed, and the decision was made (by the board) April 2007 regarding the wall. Recommendations from the team, made up of Pete Woll, Dan Bangeman, Scott Rumsey, were provided to the Board after the site visit on 3/12/2007. Bill Meyers noted that the motion passed in April was not for what they had originally proposed.

There was further discussion of the circumstances in 2007/2008 during review and consideration of a previous application. Thomas Myers and Bill Meyers presented their personal accounts of what transpired regarding the influence of Scott Rumsey as a member of the team as it related to the Board's decision, and the timing of the Board's ultimate decision relative to Scott Rumsey's retirement from FWP.

Gordon Ash stated that he would not base his vote or affirmation on hearsay, and went on to say that ultimately the Board made the decision, not Scott Rumsey acting as an individual. Future permit applications would be considered through the normal channels and the standard process.

Samantha again reviewed the 2007/2008 meeting minutes, stated that the team made recommendations to the board, and it was the board that made the full decision, and ultimately that is the case every time. There is a standard process which can be followed. The applicants had the option to go through the standard process of arbitration and it didn't go that way. Samantha stated that nothing would change moving forward about how we follow our standard process. Again, one board supervisor has one vote on the board. When necessary and appropriate, if there's a personal interest or a potential conflict of interest, then that supervisor should recuse themselves from decision on an application at that time. There is no mechanism in place that would allow us to do a blanket recusal from all future applications. It would set a very dangerous precedent and be inappropriate to do so. It has to be handled on a case-by-case basis. If there is a disagreement over that decision, then arbitration is the standard process we have to follow per the law.

Bill Meyers stated he understood that there was a standard process and asked for clarification on whether individual supervisors could recuse themselves at time of application. He added

they have 2 different engineered approaches to expanding the marina and wanted the board's feedback. Bill Meyers stated he wanted the opportunity for a pre-application review because he doesn't want to go through all this and then have to battle.

Donna Pridmore noted that if there is a field trip to your property with the full board, we would have a quorum, and that would have to be publicly noticed; that is our procedure. Donna asked if individual board members could call to set up a time to visit the property. Bill stated yes and asked that it not be just one person at a time, but a couple people at a time. He talked about possibly donating a portion to the state to provide public access, and that he is hoping to sell the property.

John Ellis later noted that the board cannot design projects.

Furniture & Equipment Disposal Request: Ginger Kauffman presented the Furniture & Equipment disposal request for an old filing cabinet that will not close.

John Ellis motioned "to approve the Furniture & Equipment disposal request dated 2/27/2023." Gordon Ash seconded. Motion carried unanimously.

Youth Camp Sponsorship Requests: Jessie Walthers explained the district has received sponsorship requests total requested is \$3,633.00. If approved, funds would come from the Education Grant budget line, in which \$5700 remains until the end of the fiscal year. The three requests are:

- Dally Family: \$275.00 Land to Hand Camp, one child
- Deraleau Family \$1,650.00 Land to Hand Camps, two children
- Powell Family \$1,708.00, two children

The Board discussed the camps, funding amounts, and requests for funding. Staff encouraged standardizing funding amounts in the next fiscal budget.

Donna Pridmore motioned "to approve the Youth Camp sponsorship requests." Gordon Ash seconded. Motion carried unanimously.

Annual Work Plan: Samantha Tappenbeck explained that a draft 2023 Annual Work Plan was presented for review at the 1/23/2023 meeting, and asked if there were any comments, edits or changes.

Gordon Ash motioned "to approve the annual work plan as presented." Donna Pridmore seconded. Motion carried unanimously.

Staff Travel Authorization: Samantha Tappenbeck explained there is a water quality focused rotunda event at the capitol in Helena on March 9-10, and the Flathead Basin Commission is the lead on this event. She stated she would like to attend and provided an estimate of travel expenses in the meeting packet. She added that Flathead CD will have a table at the event, highlighting results of Flathead River Erosion/Wake Energy Study.

John Ellis motioned "to approve up to \$400 for Samantha to attend the Water Quality rotunda event in Helena." Donna Pridmore seconded. Motion carried unanimously.

Samanta noted that funds would come from the legislative budget line, and Donna Pridmore added that the legislative budget for this next fiscal year may need to be raised.

Rotunda Event Funding Request: Samantha Tappenbeck explained that the Flathead Basin Commission (FBC) has requested funding support from partners participating in the Water Quality Rotunda Event for lunch expenses and has provided a budget. She noted that FBC can cover the expenses but are still reaching out to partners, and that FBC has a commitment from Flathead Lakers for partial funding.

Donna Pridmore motioned “to contribute \$500 to the rotunda lunch from the Watersheds Other budget line.” Scott Rumsey seconded. Motion carried unanimously.

Discussion held regarding timing of Flathead CD to submit an opposition letter to combining Flathead Basin Commission and Upper Columbia Conservation Commission to the legislature.

Forestry Expo (FFE) Donation Request: Samantha Tappenbeck explained a request has been received for donation to the Family Forestry Expo event. She noted that the district has provided donations consistently for many years. In 2022, the district requested detailed budget information and how donation funds from FCD would be spent from FFE, so Deb Starling provided a budget and breakdown expenses with their donation request letter. Discussion held regarding where funds should be spent.

Donna Pridmore motioned “to allocate \$3500 toward the workbook printing for Family Forestry Expo.” Scott Rumsey seconded. Motion carried unanimously.

The Board clarified that \$3000 will come from Partner Programs and \$500 from Conservation Practices, Other budget lines. In-kind via running the Riparian station and additional funding was discussed. Pete Woll noted that if FFE has a short fall they can request additional funding.

Resolution to Transfer Funds: Ginger Kauffman explained that during this fiscal year budget process the Board allocated \$5000 to be transferred from Fund 7201 to the Capital Improvement (CIP) Fund 7235 for purchase of a vehicle, and the county requires a Resolution to transfer those funds.

John Ellis motioned “to approve the Resolution to transfer funds in the amount of \$5000 from Fund 7201 to CIP Fund 7235.” Roger Marsonette seconded. Motion passed with one no vote.

USGS Foys Bend Gage Agreement: Samantha Tappenbeck explained the district has received the annual funding request and agreement for the operation and maintenance of the seasonal staff gage at Foys Bend. The Agreement is from March 1, 2023, to September 30, 2023, and the request is for \$3296.00. Samantha noted that funding is allocated under the Watershed Other budget line.

Donna Pridmore motioned “to approve the Joint Funding Agreement for Water Resource Investigations in the amount of \$3296.00 for the staff gage.” John Ellis seconded. Motion carried unanimously.

REPORTS

Flathead CD Staff: Attached.

Natural Resources Conservation Service (NRCS) Report & MOA Review: Attached.

Discussion held regarding need, cost, use of, and a partnership for a no-till drill in Flathead County. Samantha Tappenbeck noted that a big issue would be storage and maintenance of a drill. She added that grants may be available for purchase, upgrades, and program management. Pete Woll asked that this issue be addressed at a later time.

Sean Johnson, NRCS, reviewed the Civil Rights Responsibility for Partners Checklist and MOA between NRCS, Flathead CD and DNRC with the Board. It was noted that the last review of the MOA was done in 2020, and this MOA is due at the end of NRCS's fiscal year, which is September. The Local Work Group was discussed as part of the MOU. The Board requested additional time to review the MOA, and to place it on the next business meeting agenda.

DNRC Conservation Districts Bureau: Attached.

Flathead County Planning Board (FCPB): Attached.

Whitefish City Planning Board (WCPB): John Ellis stated the only item on the February agenda was a zoning text amendment concerning fences and retaining walls. John noted that he is no longer on or attending the WCPB meetings. Samantha Tappenbeck asked if Flathead CD should remove this item from the agenda as it is no longer a city-county planning board, and Flathead CD no longer has a seat on that board with the settlement of the donut lawsuit. John recommended removing it from the agenda and noted that vacancies come up every 2 years.

Haskill Basin Watershed Council (HBWC): Samantha Tappenbeck reported there was a stakeholder meeting today to discuss, with the City and Whitefish Lake Institute (WLI), the water-use in Haskill Creek and the diversions down into the Viking Creek wetlands. They are interested in adjusting those diversions. Jessie Walthers noted that the main issue is the water that spills over from the Haskill Creek reservoir. Current controls are manual and there is mutual interest in a telemetry system to regulate that. The city has some funding earmarked toward it, and WLI will apply for grant funding to subsidize the system and more data collection.

Flathead Basin Commission (FBC): Scott Rumsey reported the legislature is looking at consolidation of FBC and UC3, and noted they are aware that Flathead CD submitted an objection letter.

Flathead River Commission (FRC): Donna Pridmore reported that the spring flood control meeting will be held at the office of emergency services with several agencies and stakeholders. Samantha Tappenbeck noted that Mark Siderius is potentially interested in being an Associate Supervisor for the district, to ensure that Flathead CD has a seat at the table for the Office of Emergency Services working group.

MATTERS OF THE BOARD/STAFF

Personnel Evaluations: Samantha Tappenbeck explained that each year evaluations are done for district staff and added that a 6-month staff evaluation for Jessie Walthers was held last week. Samantha provided copies to Pete Woll and John Ellis and will schedule a review of the Conservation Program Manager 6-month Performance Evaluation between the Chair, Vice Chair, and RC. She also asked to schedule her RC Performance Evaluation with the Chair and two additional Board Supervisors.

CD Insurance Coverage: Samantha Tappenbeck explained that the Montana Associate of Counties (MACo) will no longer insure special districts, which includes conservation districts, through a group policy. Rocky Mountain Insurance Services is attempting to build a group plan to offer to conservation districts, and districts need to provide information for development of a group policy. She noted that PayneWest Insurance is not able to offer a group policy but is working to put together an individual plan to offer to Flathead CD.

CD Funding Survey: Samantha Tappenbeck explained MACD is working to secure increased and sustainable funding for conservation districts. They have requested districts complete the 2023 CD Funding Survey to identify priorities for additional funding if secured. Board review and consensus is requested. Contact Samantha with any questions. The survey is due March 1st.

Letter of Support: Samantha Tappenbeck explained that the district has received a request for a letter of support from Flathead Basin Commission, as they are working on an application to the EPA Toxic Reduction Grant Program. The letter is due this Friday if the Board is interested. Donna Pridmore stated she would agree to support if it is specific to the Flathead drainage. Samantha noted that she has not seen the application, or if specific items would address the Flathead basin. Pete Woll recommended Donna and Samantha work on a draft that specifically references our watershed, then email to the Board for review.

McDonald Creek: John Ellis stated that until today, he had not realized that the motel in the McDonald Creek area is a huge operation. He stated there are flags all over the old cabins and motel rooms. It looks like they are about to engage in a big project and some of those (buildings) sit right on the bank. He recommended the district send an educational letter letting them know if the structures are removed or they build something new that they first need a 310 permit. John asked Samantha Tappenbeck to email him a copy of the letter and he will add some specific remarks about the projects in the McDonald Creek area.

Scott Rumsey wondered if the district could let other agencies know that we would appreciate their cooperation in letting people know about other permits. Donna Pridmore agreed that a follow up should be done with Flathead County Planning & Zoning. Pete Woll asked Roger Marsonette if he would contact that office.

Home & Garden Show: Jessie Walthers encouraged Supervisors to sign up to help in the booth for the upcoming Home & Gardens Show.

The next 310-Permit meeting is scheduled for Monday, March 13, 2023, 7:00 P.M. in person and via ZOOM.

Adjournment: John Ellis motioned "to adjourn." Roger Marsonette seconded. Motion carried unanimously. As there was no further business, the meeting was adjourned at 10:12 P.M.

Submitted By:

Ginger Kauffman
Administrator

Reviewed By:

Samantha Tappenbeck
Resource Conservationist

Minutes approved by FCD Board motion made on:

3/27/2023
(Date)

Pete Woll
(Signature)

Chair
(Title – Chair etc.)